

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MICHAEL L. PACK
Plaintiff,

v.

BALTIMORE CITY POLICE
DEPT., et al.
Defendants.

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CIVIL ACTION NO. RDB-06-3373

MEMORANDUM OPINION

Pending is a *pro se* complaint filed by Michael L. Pack and a motion for leave to proceed *in forma pauperis*. The Court will grant the Motion to Proceed *in Forma Pauperis*. For the reasons that follow, the Complaint will be dismissed without prejudice pursuant to 28 U.S.C. §1915(e)(2).

Mindful that Plaintiff has filed the Complaint *pro se*, the Court has accorded the pleading liberal construction. *See Haines v. Kerner* 404 U.S. 519, 520 (1972). As best as the Court is able to discern, Plaintiff claims his civil rights were violated at an unspecified date and place when Baltimore City police officers allegedly asked to see his identification card while Plaintiff was taking pictures of them. According to Plaintiff, he was told that he would be arrested if he continued to take pictures of the police officers. It does not appear that he was arrested or issued a citation.¹ Plaintiff states there was no “probable cause” for the officers’ actions. Complaint at 2.

Federal district judges have discretion under 28 U.S.C. §§1915(e)(2) to screen meritless or frivolous cases. *See Neitzke v. Williams*, 490 U.S. 319, 328 (1989); *Nasim v. Warden, Maryland House of Correction*, 64 F.3d 951, 953 (4th Cir. 1995). Under *Neitzke*, a complaint may be dismissed under §1915(e) if it lacks an arguable basis either in law or in fact. *See Neitze*, 490 U.S. at 325. In this case, Plaintiff fails to state a federally cognizable cause of action in that he does not claim

¹ The circumstances described here are essentially identical to those described by Plaintiff in the Complaint he filed in Civil Action No. WMN-06-3255, *Pack v. Baltimore City Police Dept., et al.*(D. Md). That case was dismissed without prejudice on December 15, 2006.

what civil right was allegedly violated. Further, the facts do not suggest a violation of federal civil rights. Absent a minimally sufficient factual predicate, the Complaint cannot proceed. *See Sado v. Leland Memorial Hospital.*, 933 F. Supp. 490, 493 (D. Md. 1996). Plaintiff has failed to state a cognizable civil rights challenge, and the Complaint will be dismissed without prejudice. A separate Order follows.

December 21, 2006
Date

/s/
RICHARD D. BENNETT
UNITED STATES DISTRICT JUDGE